

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

KETRINA GORDON,
Plaintiff,

v.

TOOTSIE ROLL INDUSTRIES,
INC.,
Defendant.

CV 17-2664 DSF (MRWx)

Order Dismissing Action for
Lack of Prosecution

Plaintiff Ketrina Gordon brought this case on her behalf and on behalf of a similarly situated class for changes in the way Defendant Tootsie Roll Industries packaged its Junior Mints and Sugar Babies candies. After the moving and opposition papers for a motion for class certification were filed, Plaintiff dropped her motion for class certification and declared that the case was moot due to packaging changes made by Defendant. Plaintiff then moved for an award of fees and expenses, arguing that this case was the catalyst for the changes. Defendant brought a motion for sanctions, arguing that Plaintiff unduly added to the costs of the case by forcing partial briefing of the class certification issue where the facts that allegedly make the case moot were known to the Plaintiff prior to the filing of the class certification motion. The Court denied both motions.

On September 13, Defendant complied with the Court's August 22, 2018 Order for the purpose of "complet[ing] the public record

in this action.” (Dkt. # 147.) No other activity has occurred in this case: none of the required pretrial documents were provided and neither counsel appeared at the pretrial conference. This action is dismissed for failure to comply with this Court’s orders and failure to prosecute.

IT IS SO ORDERED.

Date: September 25, 2018



Dale S. Fischer
United States District Judge